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AN ACT

RELATING TO UNEMPLOYMENT COMPENSATION; PROVIDING THAT AN
INDIVIDUAL SHALL NOT BE DISQUALIFIED FROM BENEFITS FOR
LEAVING EMPLOYMENT BECAUSE OF A SPOUSE'S RELOCATION DUE TO
MILITARY SERVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 51-1-7 NMSA 1978 (being Laws 2003,
Chapter 47, Section 10, as amended by Laws 2005, Chapter 3,
Section 3) is amended to read:

"51-1-7. DISQUALIFICATION FOR BENEFITS.--

A. An individual shall be disqualified for and
shall not be eligible to receive benefits:

(1) if it is determined by the division that
the individual left employment voluntarily without good cause
in connection with the employment. No individual shall
receive benefits until the division has contacted the former
employer and determined whether the individual left the
employment voluntarily; provided, however, that a person
shall not be denied benefits under this paragraph:

(a) solely on the basis of pregnancy or
the termination of pregnancy;

(b) because of domestic abuse evidenced
by medical documentation, legal documentation or a sworn
statement from the claimant; or

1 (c) if the person voluntarily left work
2 to relocate because of a spouse, who is in the military
3 service of the United States or the New Mexico national
4 guard, receiving permanent change of station orders,
5 activation orders or unit deployment orders;

6 (2) if it is determined by the division that
7 the individual has been discharged for misconduct connected
8 with the individual's employment; or

9 (3) if it is determined by the division that
10 the individual has failed without good cause either to apply
11 for available, suitable work when so directed or referred by
12 the division or to accept suitable work when offered.

13 B. In determining whether or not any work is
14 suitable for an individual pursuant to Paragraph (3) of
15 Subsection A of this section, the division shall consider the
16 degree of risk involved to the individual's health, safety
17 and morals, the individual's physical fitness, prior
18 training, approved training or full-time school attendance,
19 experience, prior earnings, length of unemployment and
20 prospects for securing local work in the individual's
21 customary occupation and the distance of available work from
22 the individual's residence. Notwithstanding any other
23 provisions of the Unemployment Compensation Law, no work
24 shall be deemed suitable and benefits shall not be denied
25 under the Unemployment Compensation Law to any otherwise

1 eligible individual for refusing to accept new work under any
2 of the following conditions:

3 (1) if the position offered is vacant due
4 directly to a strike, lockout or other labor dispute;

5 (2) if the wages, hours or other conditions
6 of the work offered are substantially less favorable to the
7 individual than those prevailing for similar work in the
8 locality; or

9 (3) if, as a condition of being employed,
10 the individual would be required to join a company union or
11 to resign from or refrain from joining any bona fide labor
12 organizations.

13 C. An individual shall be disqualified for, and
14 shall not be eligible to receive, benefits for any week with
15 respect to which the division finds that the individual's
16 unemployment is due to a labor dispute at the factory,
17 establishment or other premises at which the individual is or
18 was last employed; provided that this subsection shall not
19 apply if it is shown to the satisfaction of the division
20 that:

21 (1) the individual is not participating in
22 or directly interested in the labor dispute; and

23 (2) the individual does not belong to a
24 grade or class of workers of which, immediately before the
25 commencement of the labor dispute, there were members

1 employed at the premises at which the labor dispute occurs,
2 any of whom are participating in or directly interested in
3 the dispute; provided that if in any case separate branches
4 of work that are commonly conducted in separate businesses in
5 separate premises are conducted in separate departments of
6 the same premises, each such department shall, for the
7 purposes of this subsection, be deemed to be a separate
8 factory, establishment or other premises.

9 D. An individual shall be disqualified for, and
10 shall not be eligible to receive, benefits for any week with
11 respect to which, or a part of which, the individual has
12 received or is seeking, through any agency other than the
13 division, unemployment benefits under an unemployment
14 compensation law of another state or of the United States;
15 provided that if the appropriate agency of such other state
16 or of the United States finally determines that the
17 individual is not entitled to such unemployment benefits,
18 this disqualification shall not apply.

19 E. A disqualification pursuant to Paragraph (1) or
20 (2) of Subsection A of this section shall continue for the
21 duration of the individual's unemployment and until the
22 individual has earned wages in bona fide employment other
23 than self-employment, as provided by rule of the secretary,
24 in an amount equivalent to five times the individual's weekly
25 benefit otherwise payable. A disqualification pursuant to

1 Paragraph (3) of Subsection A of this section shall include
2 the week the failure occurred and shall continue for the
3 duration of the individual's unemployment and until the
4 individual has earned wages in bona fide employment other
5 than self-employment, as provided by rule of the secretary,
6 in an amount equivalent to five times the individual's weekly
7 benefit amount otherwise payable; provided that no more than
8 one such disqualification shall be imposed upon an individual
9 for failure to apply for or accept the same position, or a
10 similar position, with the same employer, except upon a
11 determination by the division of disqualification pursuant to
12 Subsection C of this section.

13 F. As used in this section:

14 (1) "domestic abuse" means that term as
15 defined in Section 40-13-2 NMSA 1978; and

16 (2) "employment" means employment by the
17 individual's last employer as defined by rules of the
18 secretary." _____

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